

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MYRON WARD, }
v. Plaintiff, } Civil Action No. 07-80 Erie
JOHN J. LAMANNA, et al., }
Defendants. }

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on April 24, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on May 16, 2007, recommended that the action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(d) and that Plaintiff's request for leave to proceed *in forma pauperis* [1] be denied as moot. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at his last address of record, and on the Defendant. No objections were filed. After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8th Day of June, 2007;

IT IS HEREBY ORDERED that the within action is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d) and that Plaintiff's request for leave to proceed *in forma pauperis* [1] is DENIED as moot.

The report and recommendation of Magistrate Judge Baxter, dated May 16, 2007, [2] is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin
United States District Judge

cc: all parties of record
U.S. Magistrate Judge Baxter